

#108

TAD/WTG/2012S-1000

1/23/14

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN OF PENNSYLVANIA

IN RE: NATIONAL FOOTBALL
LEAGUE PLAYERS' CONCUSSION
LITIGATION

THIS DOCUMENT RELATES TO ALL
ACTIONS

MDL No. 2323
No. 12-md-2323-AB

**MOTION TO PERMIT THE DISSEMINATION TO COUNSEL OF RECORD OF ALL
DATA UTILIZED BY CO-LEAD COUNSEL TO REACH THE PROPOSED
SETTLEMENT**

Plaintiff, Tregg Duerson, Personal Representative of the Estate of Dave Duerson, Deceased, moves this Honorable Court for an Order that 'unties the hands' of Messrs. Chris Seeger and Sol Weiss and directs them to supply *all* Plaintiffs' attorneys of record with *all* of the data utilized by them in reaching the proposed settlement agreement.

In support of this motion is the affidavit of Thomas A. Demetrio, attached hereto and incorporated herein.

WHEREFORE, Plaintiff prays for an Order permitting the immediate dissemination to counsel of record of all data utilized by co-lead counsel to reach the proposed settlement, including actuarial, economic and medical data, including models, reports, opinions and records utilized in conjunction with the mediation process so that Plaintiffs, with their attorneys' then

knowledgeable insight can *timely* assess their legal rights, weigh the sufficiency and adequacy of the proposed settlement and assess the requests for class certification and associated attorneys' fees.

/s/ William T. Gibbs

Corboy & Demetrio, P.C.
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AFFIDAVIT OF THOMAS A. DEMETRIO

I, Thomas A. Demetrio, being first duly sworn, state:

1. Affiant is an experienced plaintiff's attorney and represents several retired NFL players and the families of former players, including the family of Dave Duerson.
2. On January 21, 2014 a meeting, open to all Plaintiff's Counsel of record, was held in New York City. The meeting was intended to be an informational session regarding the details of the proposed settlement agreement. The meeting was led by Chris Seeger and Sol Weiss. Affiant estimates that there were 75+ plaintiff lawyers present.
3. Very little information was imparted at this meeting. Repeatedly, the answers to rather simple questions posed to Messrs. Seeger and Weiss were "there is a gag order" – or – "our hands have been tied by Judge Brody."

4. Affiant knows of no such ‘gag order’ that prevents a Plaintiff’s lawyer from informing another Plaintiff’s lawyer as to the specific details on how or why the proposed settlement is fair, reasonable and adequate.

5. Affiant is also unaware of how this Court “has tied the hands” of Messrs. Seeger and Weiss when it comes to performing their sought after responsibility of imparting information to the plaintiff lawyers who represent thousands of Plaintiffs. (Case Management Order, April 26, 2012, ECF No. 64; Joint Application, April 3, 2012, ECF No. 54).

6. Affiant and all lawyers present on January 21, 2013, including Messrs. Seeger and Weiss, agreed that *all* Plaintiffs’ lawyers should be able to, sooner rather than later, examine the actuarial, economic and medical data relied upon in reaching the proposed settlement, in order to supply our respective clients with sound legal counsel and advice.

7. Affiant believes that in this MultiDistrict Litigation, *all* the lawyers involved should be allowed to timely review the same pertinent data that this Court has recently sought to review.

8. This matter and any proposed settlement are of utmost importance to former NFL players and their families. This past Saturday, Mr. Seeger said:

I’ve already settled cases, much bigger than this one. I’ve had a good career. My legacy case wasn’t going to be a case that didn’t work. It wasn’t going to be a case that I wasn’t totally proud of. Because I know that most of the people involved in this, including the judge, are going to be thought of more for the NFL case than anything else that they will do in their career. That’s silly if you ask me, but it’s reality.

(<http://mmqb.si.com/2014/01/20/peyton-manning-richard-sherman-monday-morning-quarterback/3/>)

9. While unlikely, if Mr. Seeger is correct, affiant urges this Court to remove the cloak of secrecy that has, until now, caused uncertainty and too much confusion.

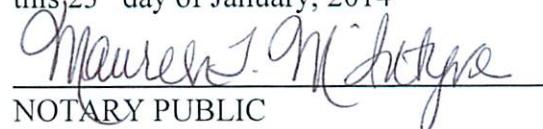
The information provided in this affidavit is true and accurate to the best of my knowledge.

FURTHER AFFIANT SAYETH NOT.



Thomas A. Demetrio

SUBSCRIBED and SWORN to before me
this 23rd day of January, 2014



Maureen T. McIntyre
NOTARY PUBLIC



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